

~~ED 1181~~
E0-1387

SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS

POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN DOCKET NO. AB-497 (Sub No. 5X)

August 11, 2010

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

() Notice of Exemption (X) Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

RECOMMENDATION: Remove Section 106 Condition in AB-497 (Sub-No. 5X) –
Minnesota Northern Railroad, Inc., - Abandonment Exemption - In
Roseau County, Minn

By decision served on January 22, 2010, the Board imposed the following
condition:

Minnesota Northern Railroad, Inc., retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register until completion of the section 106 process of the NHPA, report back to SEA regarding any consultations with the SHPO and the public, and not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the section 106 process has been completed and the Board has removed this condition.

Comments on the EA

By letter dated June 28, 2010, the Minnesota Historical Society (SHPO) states that the rail segment is not eligible for listing in the National Register of Historic Places. The SHPO also states that there are no National Register eligible properties present in the area of potential effect.

Pursuant to the Section 106 regulations of the NHPA at 36 CFR 800.5(b), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register of Historic Places. The documentation for this finding, as specified at 36 CFR 800.11(e), consists of the railroad's Historic Report, all relevant correspondence, and the December 4, 2009 Environmental Assessment, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

Accordingly, we recommend that the Section 106 condition imposed in the Board's January 22, 2010, Decision be removed.

SEA CONTACT: Troy Brady – (202) 245-0301 or Troy.Brady@stb.dot.gov

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LAW OFFICE
THOMAS F. McFARLAND, P.C.
208 SOUTH LASALLE STREET - SUITE 1890
CHICAGO, ILLINOIS 60604-1112
TELEPHONE (312) 236-0204
FAX (312) 201-9695
mcfarland@aol.com

THOMAS F. McFARLAND

E - MAIL TRANSMITTAL

DATE: August 6, 2010

2 Pages (Including this Cover Page)

* * *

TO: Troy Brady (*troy.brady@stb.dot.gov*)

cc: George LaPray (*mnn@rrv.net*)

* * *

FROM: THOMAS F. McFARLAND

FAX NO: (312) 201-9695 TELEPHONE NO: (312) 236-0204

* * *

SUBJECT: Docket No. AB-497 (Sub-No. 5X)

Troy: per phone conversation today, hereby transmitted is a copy of the Minnesota SHPO's letter of June 28, 210 advising that its consultation under Section 106 of the NHPA is concluded. On that basis, please arrange for removal of the historic preservation condition in Docket No. AB-497 (Sub-No. 5X).

Tom

File #1320

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STATE HISTORIC PRESERVATION OFFICE

1324

RECEIVED
JUL 01 2010
McFARLAND, P.C.

June 28, 2010

Mr. Thomas McFarland, Atty.
208 South LaSalle St., Suite 1890
Chicago IL 60604-1112

RE: STB Docket No. AB-497 (Sub-No. 5X) – Minnesota Northern Railroad Abandonment of the
Roseau-Warroad Segment from Milepost 83.6 to Milepost 101.61
Roseau County
SHPO Number: 2009-3500

Dear Mr. McFarland:

Thank you for sending the additional evaluation materials we requested concerning the above project. These materials have been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and the Procedures of the Advisory Council on Historic Preservation (36CFR800).

Based on the information submitted, we concur that this rail segment is **not eligible** for listing in the National Register. Based on this concurrence, and on earlier file reviews, we find that no Register eligible properties are present in the area of potential affect for this project.

This letter concludes our consultation under Section 106 of the National Historic Preservation Act, and from our standpoint, the project can move forward.

Contact us at (651) 259-3456 with questions or concerns.

Sincerely,



Mary Ann Heidemann, Manager
Government Programs & Compliance

cc: Troy Brady, Surface Transportation Board

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**SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS**

POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN DOCKET NO. AB-497 (Sub No. 5X)

August 9, 2010

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